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ORIGINAL
FILED

APR - 8 2003

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,

13
14 Plaintiff,

15 v.

16 ROBERT WILLIAMS,

17 Defendant.
18

Case No. CR-98-40078-DLJ

19 UNITED STATES' SENTENCING
20 MEMORANDUM

21 Sentencing Date: April 11, 2003
Time: 10:00 am

19 The United States agrees with the factual findings and Sentencing Guideline calculations
20 of the Probation Officer. The Court should find that the offense level is 4 and the defendant's
21 criminal history category is I.

22 The government also concurs with the Probation Officer's sentencing recommendations.
23 It is patently clear from the evidence presented at trial that defendant Williams, the controller,
24 was used by his higher-level Media Vision co-defendants who masterminded the fraud scheme.
25 Williams' role in the fraud was limited to falsifying journal entries related to only one of the
26 many devices Jain, Allan, Faust, and Humphress used to inflate the company's earnings.
27 Uncomfortable with what he had been asked to do, Williams resigned from Media Vision before
28 the fraud was revealed.

1 Under these circumstances, Williams fell below the level at which the government felt
2 criminal culpability attached. The crime to which Williams pled guilty was making false
3 statements to the FBI in connection with its investigation, not financial fraud. After pleading
4 guilty, Williams cooperated fully with the investigation and, the government believes, provided
5 truthful testimony in two trials. Although a downward departure is not necessary because of the
6 guideline calculation, the government would have moved for such a departure if Williams'
7 offense level had been higher.

8 The government recommends that the Court sentence Williams, as set forth in the
9 Presentence Report, to two years probation and order him to pay a \$5,000 fine and a \$50 special
10 assessment.

11 Respectfully submitted,

12 KEVIN V. RYAN
13 United States Attorney

14 Dated: 4/8/03

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16 MILES EARLICH
17 JOHN H. HEMANN
18 Assistant United States Attorney
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of the UNITED STATES' SENTENCING MEMORANDUM in the case UNITED STATES v. ROBERT WILLIAMS, NO. CR-97-40078-DLJ to be served this date upon the person(s) below:

By United States Mail and Facsimile

James Blackman, Esq.
550 Hamilton Avenue #300
Palo Alto, CA 94301
(650) 326-2404

Sheila John
United States Probation Office
1301 Clay Street, Suite 220
Oakland, California 94612
(510) 637-3625

I certify under penalty of perjury that the foregoing is true and correct.

Executed on April 8, 2003, at San Francisco, California.



LORI A. LUCCHETTI
Legal Assistant